

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:20-MJ- 334 (ATB)

RICHARD ALVARADO,)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of February 29, 2020 in the county of Oswego in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2252A(a)(2)(A)

Offense Description

Distribution of Child Pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

ATTESTED TO BY THE APPLICANT IN
ACCORDANCE WITH THE
REQUIREMENTS OF RULE 4.1 OF THE
FEDERAL RULES OF CRIMINAL
PROCEDURE.

Sworn to before me and signed in my presence.

Date: 6/22/2020

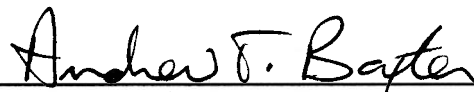
City and State: Syracuse, New York



Complainant's signature

Martin Baranski, Special Agent

Printed name and title



Judge's signature

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Martin Baranski, being duly sworn, depose and state:

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Richard Alvarado with distribution, possession and receipt of child pornography in violation of 18 U.S.C. §§ 2252A(a)(1), (a)(2)(A) and (a)(5)(B).

3. The statements and facts set forth in this affidavit are based on my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of the facts known by me about this investigation.

PROBABLE CAUSE

4. A Task Force Officer with Winnebago County Sheriff's Office in an online undercover capacity ("OCE") is a member of multiple Kik¹ groups dedicated to the trading of child pornography. FBI Milwaukee, in collaboration with the Winnebago County Sheriff's Office, have identified a number of the individuals in these groups.

5. Per the OCE's observation, the Kik user dimplesss420 was a member of the group "VIP KINKS," which their investigation has identified as a Kik group on which child sexual abuse

¹ Kik Messenger, or Kik is a "free instant messaging and social networking app[lication] that uses [a] smartphone's data plan or Wi-Fi connection to send messages to other Kik users, bypassing SMS (short message service). It's available on iOS, Android, and Amazon for Kindle Fire." <https://www.digitaltrends.com/mobile/what-is-kik/>

material is shared. Within this group, user dimplesss420 received multiple images and videos of child sexual abuse material. Dimplesss420 also distributed multiple images and videos of child sexual abuse material in this group. This distribution activity was video recorded by the OCE, and the distributed videos were downloaded by the OCE. Both the video recording and the downloaded videos were provided to and reviewed by your affiant, and both are available for the Court's inspection upon request.

6. Your affiant reviewed the OCE video recording and noted the following:

- a. User dimplesss420 posts in the group "VIP KINKS", "Good evening everyone :) I hope y'all had a wonderful day of pervin!!! :)" Subsequently, dimple420 posted three child pornography videos:
 - i. A video file that appears to be a compilation of multiple videos each depicting prepubescent males approximately 5 to 9 years old having oral sex performed on them by various adult males. This video was uploaded to the Kik group by dimple420 on February 29, 2020, at approximately 9:13 pm.
 - ii. A video file that depicts a prepubescent male approximately 7 to 9 years old lying on a bed with his erect penis exposed. An adult male is performing oral sex on the prepubescent male. This video was uploaded to the Kik group by dimple420 on February 29, 2020, at approximately 9:13 pm.

7. On March 12, 2020, an administrative subpoena was served to Kik for subscriber information associated to the username dimplesss420. On March 19, 2020, Kik provided the following information:

- a. First Name: :angel:Angel
- b. Last Name: Rose:rose:
- c. Email: RichA_00@outlook.com; [Note: this email address matches the first name (shortened) and last initial of Richard Alvarado.]
- d. Username: Dimpless420
- e. Registration Timestamp: August 13, 2019 19:28 UTC
- f. IP Logs:
 - i. A number of connections between February 18, 2020 and March 16, 2020 occurred from IP address 68.172.49.19, which resolves to Charter Communications. Specifically, IP address 68.172.49.19 was registered twelve times on February 29, 2020, and eight times on March 1, 2020. Both dates are included given that February 29, 2020 at 9:36PM EST [i.e. the date and time from 6) a) i) and ii) above] converts to March 1, 2020 at 2:36 AM UTC.
 - ii. Additional mobile connections occurred from IP addresses resolving to AT&T.

8. On April 15, 2020, an administrative subpoena was served to Charter for subscriber information associated to IP address 68.172.49.19 on February 18, 2020 at 23:15 UTC, which was the first date and time this IP address appears on the IP log portion of the Kik subpoena return. On April 28, 2020, Charter provided the following information:

- a. Subscriber Name: [REDACTED]
- b. Subscriber Address: [REDACTED] Oswego, New York 13126
- c. Email: [REDACTED]@hotmail.com
- d. Phone Number: 315-806-XXXX(redacted)
- e. Other Information: Current Lease Start: 5/15/2017 6:03:55 PM | Lease End: 4/15/2020 3:30:56 PM [Note that the lease timeframe for this IP address includes the activity described in 7) f) i)]

9. An Accurint report, a widely accepted law enforcement online investigation tool, was run on [REDACTED], Oswego, New York revealed [REDACTED] (date of birth XX/XX/1972) [REDACTED] (date of birth XX/XX/1965), and Richard Alvarado as likely current residents.

10. A Facebook profile for Alvarado (facebook.com/richy.alvarado.9406) states he resides in Oswego, New York and studies at Cayuga Community College. Open source queries for richa_00@outlook.com revealed Twitter and Skype social media accounts associated with the email address, with usernames of richa_00, R A, respectively. These usernames are consistent with the email address, which, as previously noted, matches the name and initials of Richard Alvarado.

11. On June 18, 2020, New York State Police Investigator Andrew Wilmot received information from the Albany Internet Crimes Against Children office related to the distribution of child pornography by Kik user “fluffydaddysenpai” on January 14, 2020, using IP address 68.172.49.19. Note that this IP address is the same one used by dimplesss420 and fits within the subscriber parameters detailed in 8 above. Furthermore, Kik is the platform used to distribute the child pornography, consistent with dimplesss420. Kik reported via NCMEC CyberTip 62927527 that user fluffydaddysenpai uploaded 28 files to the Kik platform that depicts child pornography. In addition, Chat Random / Flingster, described as a free adult video chat site, reported NCMEC CyberTip 65543627, that on February 3, 2020, a user using IP address 68.172.49.19 uploaded one image that depicts child pornography to the website. Your affiant reviewed the 29 files and confirmed that the media depicts child pornography.

12. On June 22, 2020, law enforcement officials went to Alvarado’s place of employment, the State of New York Battle Island State Park Golf Course, as well as his residence, and executed a federal search warrant that was authorized by the Court on June 17, 2020. Alvarado was working at the time officers arrived to execute the search warrant. Alvarado was read his Miranda Rights and waived them. Alvarado was then interviewed by SA Martin Baranski and FBI TFO Andrew Wilmot. Alvarado admitted that he actively trades child pornography images and videos on Kik using his cellular telephones to access the network and his collection of child pornography. According to Alvarado he used one older cellular telephone to store his child

pornography collection and another newer one to trade child pornography images and videos on Kik.

13. Alvarado was shown images and portions of the videos he sent on February 29, 2020, via his dimplesss420 Kik account and initialed copies of them indicating that he had distributed them over Kik. Alvarado was shown the video referenced above in paragraph 6(a)(ii) that was sent by Alvarado's dimplesss420 Kik account to the undercover agent on February 29, 2020. Alvarado admitted to distributing that video to the undercover agent via a Kik chat. Alvarado was also shown child pornography images and videos that he uploaded to the Kik network using his fluffydaddysenpai account referenced in paragraph 11. He confirmed uploading the videos and initialed images taken from them indicating that he had uploaded them using his Kik fluffydaddysenpai account.

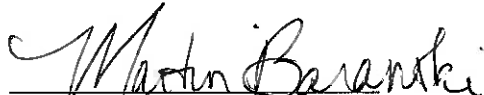
14. An onsite forensic preview of Alvarado's cellular telephone revealed approximately 25-30 child pornography image files and 9 child pornography video files. However, Alvarado also admitted during the course of the interview that he observed law enforcement at his place of work and had deleted a number of child pornography images and videos prior to being apprehended.

CONCLUSION

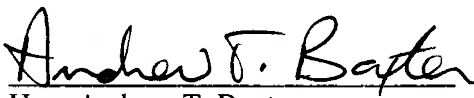
15. Based on the foregoing information, there is probable cause to conclude that Richard Alvarado has knowingly distributed child pornography using a means and facility of

interstate and foreign commerce, and in and affecting such commerce, that is, through Kik messenger sharing, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE
REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Special Agent Martin Baranski
Federal Bureau of Investigation

I, the Honorable Andrew T. Baxter, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on June 22, 2020, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Andrew T. Baxter
United States Magistrate Judge